

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
SOUTHEASTERN DIVISION

DONALD J. HENNINGFELD,

Plaintiff,

v.

DR. PHILIP TIPPEN, et al.,

Defendants.

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No. 1:21-cv-00033-SNLJ

MEMORANDUM AND ORDER

This matter comes before the Court on the second motion by plaintiff Donald J. Henningfeld for an extension of time in which to file his amended complaint. (Docket No. 11). In the motion, plaintiff states that he has made multiple requests for his medical records, and that it is “impossible” for him to prepare his case without them. Plaintiff seeks an additional sixty days to file his amended complaint.

Having reviewed the motion, the Court finds that it should be granted. However, the Court will **not** give plaintiff the sixty days that he has requested. Instead, the Court will give plaintiff a further **thirty (30) days** from the date of this order in which to file the previously-ordered amended complaint.

Plaintiff’s contention that he should receive more time to await his medical records is not persuasive. The amended complaint is not required to contain any exhibits. Rather, plaintiff should fill out the 42 U.S.C. § 1983 form that has been provided to him, according to the directions set forth in the Court’s order of July 15, 2021. As instructed, he should make factual allegations against each of the defendants that are sufficient to show that he is entitled to relief. *See* Fed. R. Civ. P. 8(a)(2). **At this stage of the proceeding, plaintiff does not need to provide evidence in**

support of his allegations, and discovery has not yet been ordered. Therefore, waiting for the indefinite arrival of plaintiff's medical records is not necessary.

If plaintiff does not submit an amended complaint within **thirty (30) days** of the date of this order, this action will be dismissed without prejudice and without further notice. When the Court receives plaintiff's amended complaint, it will be reviewed pursuant to 28 U.S.C. § 1915.

Accordingly,

IT IS HEREBY ORDERED that plaintiff's motion for an extension of time to file his amended complaint (Docket No. 11) is **GRANTED**.

IT IS FURTHER ORDERED that the Clerk of Court shall send to plaintiff a copy of the Court's prisoner civil rights complaint form.

IT IS FURTHER ORDERED that the Clerk of Court shall send to plaintiff a copy of the Court's July 15, 2021 order.

IT IS FURTHER ORDERED that plaintiff shall have **thirty (30) days** from the date of this order in which to file his amended complaint on the Court form, in accordance with the instructions set forth in the Court's order of July 15, 2021.

IT IS FURTHER ORDERED that if plaintiff fails to file an amended complaint within **thirty (30) days** of the date of this order, in accordance with the instructions set forth in the Court's order of July 15, 2021, this action shall be dismissed without prejudice and without further notice.

IT IS FURTHER ORDERED that upon receipt of plaintiff's amended complaint, the Court will review it pursuant to 28 U.S.C. § 1915.

Dated this 15th day of September, 2021.



STEPHEN N. LIMBAUGH, JR.
SENIOR UNITED STATES DISTRICT JUDGE